

## **EXHIBIT D**

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Taken on March 25, 2003**

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1 Q You became a sales manager in 2001?

2 A 2000, yes, 2000.

3 Q Was that a promotion --

4 A Yes, November 15.

5 Q One thing I forgot to say. You have to let  
6 me finish the question because we're talking at the  
7 same time, we're not going to have a clear record.  
8 You may know what I'm going to ask, but let me finish  
9 the question before you start your answer.

10 A Okay.

11 Q In 2000 when you became a senior sales  
12 manager that was a promotion?

13 A Correct.

14 Q What were you before that, what was your job  
15 immediately before you become a senior sales manager?

16 A Account executive.

17 Q For what period of time were you an account  
18 executive?

19 A 10 years.

20 Q Briefly what's your educational background?

21 A Master's from Johns Hopkins; bachelor's from

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1 Q Right. But as an AE you were -- were you  
2 supervising either Jennifer Mazzarello or Lisa Bryan?

3 A No.

4 Q And AE to be clear is an account executive,  
5 right?

6 A Right.

7 Q Once you became senior sales manager,  
8 C-level manager in November 2000, that's when you were  
9 supervising both Jennifer Mazzarello and Lisa Bryan?

10 A Correct.

11 Q Did you know who their previous supervisor  
12 was?

13 A John Donaldson.

14 Q Did you know John Donaldson supervised both  
15 Jennifer Mazzarello and Lisa Bryan?

16 A Yes.

17 Q And did Mr. Donaldson leave immediately  
18 before you came on board or was there a gap there?

19 A Leave?

20 Q You replaced him?

21 A Yes.

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1 Q Did he ever supervise you?

2 A No.

3 Q Did you have any information either personal  
4 or from other individuals as far as Chris Herr  
5 conducting himself in a way that was contrary to the  
6 Lucent policy with regard to sexual harassment or  
7 anything like that?

8 A No.

9 Q So you were not aware of any allegations  
10 that Chris Herr had violated any sexual harassment  
11 policies of Lucent?

12 A In a particular time frame?

13 Q At any time.

14 A I mean I know about it now.

15 Q When did you first find out about it?

16 A I guess --

17 MR. NICCOLINI: This point I'm going to  
18 instruct you not to answer as to any information  
19 you obtained by or through counsel.

20 THE WITNESS: Okay.

21 A Would you restate? Thank you.

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1 Q Other than from hearing it from an attorney,  
2 from Lucent, an attorney who represents Lucent, how  
3 did you first find out about any allegations that  
4 Chris Herr had committed any acts that violated the  
5 policy at Lucent regarding sexual harassment?

6 A Through Jennifer.

7 Q When did that happen?

8 A Midyear review in 2001 I guess this is.

9 Q That was midyear review 2001?

10 A Yes.

11 Q Would that have been your first performance  
12 evaluation for Jennifer Mazzarello?

13 A Midyear, yes.

14 Q That was the first time you had given a  
15 performance evaluation for Jennifer Mazzarello?

16 MR. NICCOLINI: Objection.

17 Q Is that correct?

18 A Pardon me?

19 Q That would have been the first time that you  
20 had conducted an evaluation of Jennifer Mazzarello; is  
21 that correct?

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1 Q Midyear would have been, if you want to be  
2 literal, would have been April 1st because that would  
3 have been six months?

4 A Right.

5 Q Would it have been April 1st?

6 A It would have been in the time frame.

7 Q It doesn't have to be exact day?

8 A Right, right.

9 Q What exactly did Jennifer Mazzarello tell  
10 you about Chris Herr at this midyear review in 2001?

11 A She mentioned that she was uncomfortable  
12 being around him and that some things had happened in  
13 the past.

14 Q Did she say what had happened in the past?

15 A I told her that I didn't know what happened  
16 in the past, and I actually preferred not to know the  
17 details.

18 Q Why?

19 A Because I wanted to strictly stick to the  
20 business at hand.

21 Q Were you familiar with the sexual harassment

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1     what incidents had occurred between Lisa Bryan and  
2     Chris Herr?

3             A     No.

4             Q     Did you ever have any conversations with Tom  
5     Moore about Chris Herr's treatment of either Lisa  
6     Bryan or and/or Jennifer Mazzaello?

7                     MR. NICCOLINI:  Objection.

8             A     After my meeting with Lisa at the -- not  
9     Lisa, Jennifer, at the midyear review Jennifer had  
10    complained that Chris continues to be promoted and had  
11    never had, had never received training in the area of  
12    this, and on.  So I went to talk to Tom afterwards and  
13    Tom said Chris hadn't been promoted.  He was doing the  
14    same level job as he did before, and he did receive  
15    training.  I went back to Jennifer and said, you know,  
16    Chris is still doing the same job he did before, same  
17    level.  And he received training.

18            Q     Do you know what kind of training?

19            A     No, I do not.

20            Q     Were you advised by anyone at Lucent other  
21    than an attorney that Chris Herr was given any kind of

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1 counseling in terms of awareness of dealing with  
2 sexual harassment issues?

3 A At the time Tom said he received training  
4 that's what he was speaking of.

5 Q When you said training I thought you meant  
6 to do a particular kind of job. Did you mean  
7 counseling?

8 A Yes.

9 Q Let me back up then. Did Jennifer  
10 Mazzarello tell you she was concerned that Chris Herr  
11 had been promoted without going through counseling?

12 MR. NICCOLINI: Objection. Asked and  
13 answered.

14 You can answer it again.

15 A I think I've answered it. You want to ask  
16 it again?

17 Q You said training.

18 A I meant that he went to, I was told that he  
19 went to training appropriate for the incident. I  
20 don't know what training, I don't know what  
21 counseling. I have no idea.



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1 Q When did Tom Moore tell you that?

2 A The same day as the interim review.

3 Q Of Jennifer Mazzarello?

4 A Yes.

5 Q So it was the same day you went to Tom  
6 Moore, correct?

7 A And asked about, you know, if he had been to  
8 any training.

9 Q He meaning Chris Herr?

10 A Yes.

11 Q Now, was the word training what Jennifer  
12 Mazzarello used or did she use the word counseling or  
13 some other word?

14 A I believe training.

15 Q At that point in time did Tom Moore tell you  
16 that Chris Herr had already completed this sexual  
17 harassment training?

18 A Yes.

19 Q Did you then advise Jennifer Mazzarello that  
20 Chris Herr had already completed this sexual  
21 harassment training?

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1 A Yes.

2 Q What was Jennifer Mazarello's reaction?

3 A I don't recall.

4 Q Did Tom Moore tell you why Chris Herr was  
5 going or had gone through sexual harassment training?

6 A No.

7 Q Did you ever have any discussions with Chris  
8 Herr about sexual harassment training?

9 A No.

10 Q As the C-level manager in the Verizon team I  
11 guess Chris Herr would have been a B level; is that  
12 right?

13 A C.

14 Q He was also C. Did you ever have meetings  
15 which involved Chris Herr?

16 A No.

17 Q Did you ever have any interactions directly  
18 with Chris Herr after say November of 2000?

19 A No.

20 Q So as I understand your testimony Chris Herr  
21 physically was located in the same area of the

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1 was a sexual relationship between Tom Moore and Kelly  
2 Hanlon?

3 A No.

4 Q Other than hearing rumors they were spending  
5 a lot of time together, did you hear any rumors about  
6 any other details about a relationship between Tom  
7 Moore and Kelly Hanlon?

8 A No.

9 Q Did anyone at Lucent ever voice any concerns  
10 in your presence that the relationship between Kelly  
11 Hanlon and Tom Moore was not appropriate?

12 A No.

13 Q Were you aware of any mentoring relationship  
14 between Jennifer Mazzarello and Kelly Hanlon?

15 A Yes.

16 Q Tell me what you understood.

17 A Jennifer came to me one day and told me that  
18 she was mentoring Kelly. And I did not know that.  
19 And she had some concerns about it because of her  
20 workload. And I said that I would go talk to Tom  
21 immediately and suggest that that end.

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1 Q Do you remember when that happened?

2 A I don't recall, no.

3 Q So Jennifer volunteered to you that she was  
4 mentoring Kelly. And as I understand it from your  
5 testimony, Jennifer was concerned that her workload  
6 was more than she could handle along with doing the  
7 mentoring; is that a fair way to put it?

8 A Yeah, that's how I recall.

9 Q Did she give you any details about what she  
10 was doing in terms of mentoring Kelly Hanlon?

11 A I don't remember now, no.

12 Q Did she tell you how it was that she first  
13 came to be involved in a mentoring relationship with  
14 Kelly Hanlon?

15 A No.

16 Q As a result of Jennifer Mazzarello advising  
17 you that she was mentoring Kelly Hanlon and had these  
18 concerns about her workload, what if anything did you  
19 do?

20 A I went to Tom and said that I wasn't aware  
21 that Jennifer was mentoring Kelly, and I'd like for

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1 that to end.

2 Q What was Tom Moore's reaction?

3 A He said okay, fine. That's how I recall it.  
4 And we ended it a short time after that, I think.

5 Q How was it ended?

6 A I just told Jennifer she didn't have to  
7 mentor Kelly anymore.

8 Q Did you talk about it with Kelly Hanlon?

9 A No.

10 Q What if anything did Jennifer Mazzarello say  
11 when you told her that she didn't have to mentor Kelly  
12 Hanlon anymore?

13 A I think she was relieved if I recall  
14 correctly. She was happy about that, not happy to do  
15 that.

16 (Brief pause in the proceedings.)

17 BY MR. BENNETT:

18 Q Now, did you know or work with Tom Moore  
19 before you became a D-level manager -- no, C level, I  
20 guess you were C. While you were an account  
21 executive, I think you mentioned you worked with Tom

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1 August.

2 Q Do you recall what the circumstances were,  
3 at least as you understood them, in terms of what  
4 brought about her decision to resign?

5 A She said that she was getting a higher  
6 salary.

7 Q Where she was going to, you mean?

8 A Yes, a higher base salary.

9 Q Did she tell you, did Jennifer Mazzarello  
10 tell you that she was leaving Lucent because of any  
11 concerns of any kind about the way she had been  
12 treated or any conduct she had been subjected to at  
13 Lucent?

14 A No.

15 Q Did Jennifer Mazzarello ever complain to you  
16 about any conduct that she had been subjected to by  
17 Tom Moore?

18 A She said that she was uncomfortable meeting  
19 with Tom alone.

20 Q When was that?

21 A I don't recall. It would be sometime

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1 Q When was that?

2 A Sometime in midyear, she mentioned she was  
3 meeting with Tom. I asked her if she wanted me to go  
4 along, she said no.

5 Q Did she explain why she was meeting with  
6 Tom?

7 A No.

8 Q Did you ever ask Tom Moore about his  
9 relationship with Jennifer Mazzarello?

10 A No.

11 Q Did you ever discuss with Kelly Hanlon about  
12 Tom Moore's relationship with Jennifer Mazzarello?

13 A No.

14 Q Did you have any discussions with anyone at  
15 Lucent at any time other than with an attorney  
16 concerning Tom Moore's relationship with Jennifer  
17 Mazzarello?

18 A No.

19 Q Were you aware of any complaints or problems  
20 that were voiced by Jennifer Mazzarello regarding her  
21 relationship with you?

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1           A     No.

2           Q     Were you aware of any problems or concerns  
3     that were raised by Lisa Bryan with regard to her  
4     relationship with you?

5           A     No.

6           Q     After you came on board as a C-level manager  
7     I think you indicated at that point that Lisa Bryan  
8     was not under your supervision, correct?

9           A     Pardon?

10          Q     As of November 2000 when you came on board  
11     as a C-level manager Lisa Bryan was not being  
12     supervised by you; is that correct?

13          A     No.

14          Q     Did there come a point in time when Lisa  
15     Bryan was supervised by you?

16          A     November 15, 2000 she was part of my team.

17          Q     How long did that last?

18          A     Until she moved on to another job.

19          Q     Which was when?

20          A     Say late March or early April, I don't  
21     recall a date.



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1           Q     The subject is an e-mail from Tom Moore to  
2     Lisa Bryan with regard to the 2001 compensation for  
3     AEs. Do you recall any discussions with Tom Moore  
4     about having Lisa Bryan be involved in a similar  
5     arrangement as the other AEs?

6           A     No.

7           Q     Do you recall having discussion with Tom  
8     Moore about having Lisa Bryan not be involved in the  
9     same kind of compensation plan as the AEs for 2001?

10          A     No, I don't recall.

11          Q     Were you a participant in any discussion  
12     with Lisa Bryan or anyone else at Lucent about her  
13     becoming a C-level manager?

14          A     No.

15          Q     Did you ever have any discussions with  
16     Jennifer Mazzarello about her becoming a B-level  
17     manager?

18          A     Yes.

19          Q     Tell me about that.

20          A     During one of our first meetings setting  
21     objectives, and I told her that that it was a bit of a

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1 stretch. I believe she was an A4.

2 Q What did she tell you?

3 A That she wanted to be a B-level manager.

4 Q Did she give any kind time frame?

5 A I don't recall now.

6 Q So when you said it was a bit of a stretch  
7 what, that she would ever be a B-level manager or that  
8 she would be a B-level manager within two weeks?

9 A I don't recall time frame being discussed.

10 Q You told her you thought it was a bit of a  
11 stretch, right?

12 A A bit of a stretch. You know what, I do  
13 remember now for the end of the year she had it on her  
14 objectives. I'm doing this from memory now. She had  
15 it on her objectives to be a B-level manager by  
16 September 30th, and I thought that was a bit of a  
17 stretch.

18 Q What time frame was this?

19 A When we were setting objectives in January.

20 Q January of 2000 or 2001?

21 A 2001.

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1 Q January 2001 you had a meeting with Jennifer  
2 Mazzarello, she indicated to you one of her goals was  
3 to become a B-level manager by September 30, 2001?

4 A Yes.

5 Q And you told her that's unrealistic?

6 A Yes.

7 Q What did she say to that if anything?

8 A We changed the objective form to A5 as a  
9 stretch objective, and we agreed to that.

10 Q Did she tell you she had had any discussions  
11 with anyone else at Lucent about becoming a B-level  
12 manager?

13 A I don't recall any.

14 Q Did she tell you she had had any discussions  
15 with Tom Moore about become a B-level manager?

16 A I don't recall any now.

17 Q Did you ever tell anybody that Jennifer  
18 Mazzarello had a problem working for you?

19 A No.

20 Q Did you ever say that to Jennifer  
21 Mazzarello?

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1 discussions with you about Chris Herr commenting on  
2 her possibly being pregnant at any time?

3 A No.

4 Q Did you ever have any discussions with  
5 Jennifer Mazzarello about transferring off the team?

6 A Yes.

7 Q Tell me about that.

8 A During the midyear review.

9 Q March of 2001?

10 A Right, right, she was upset about, you know,  
11 things that had happened in the past, and she didn't  
12 want to have her seat moved. And you know, I said  
13 would you be happier doing something else on another  
14 team. And she said no.

15 Q Did you tell her or did you use the word  
16 suck it up or anything like that?

17 A No.

18 Q Did you ever have any discussions with Tom  
19 Moore about Jennifer Mazzarello becoming a technical  
20 consultant?

21 A Yes.

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1 Q Tell me about that please.

2 A Well, the business was declining and we were  
3 downsizing and we needed technical consultants. We  
4 needed good employees to be technical consultants and  
5 we approached Jennifer to see if she wanted to do  
6 that.

7 Q Did Tom Moore talk to Jennifer Mazzarello  
8 about that or did he say he wanted to do it without  
9 your being present or how did that go?

10 A I don't recall exactly. I mean I believe I  
11 had a discussion with Jennifer about it, mentioned it  
12 to her.

13 Q Was Tom Moore present?

14 A No.

15 Q What was Jennifer's reaction?

16 A I don't recall. Neutral.

17 Q Do you recall Tom Moore asking to meet with  
18 Jennifer outside of your presence?

19 A No.

20 Q Do you recall Jennifer Mazzarello telling  
21 you that Tom Moore had indicated he wanted to meet

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1 Ms. Mazzarello what she would do if she lost her job?

2 A No.

3 Q Is it true that a transfer from an account  
4 manager to a technical consultant position is a  
5 demotion?

6 A No.

7 Q Is it considered a lateral move?

8 A You would stay within grade, meaning you  
9 would be an A4, you would still be an A4.

10 Q So considered a lateral move?

11 A Yes.

12 Q Not a demotion?

13 A No.

14 Q Not a promotion?

15 A No.

16 Q Had there been any other individuals that  
17 you're aware of that had been transferred over to a  
18 technical consultant's position and subsequently laid  
19 off or terminated?

20 A No, I don't recall.

21 Q Were you a participant in any discussions